

Good morning Chairman Klemin and members of the Judiciary Committee. My name is Bridget Weidner and I serve as the Director of the Division of Health Facilities for the North Dakota Department of Health (NDDoH). I am here to provide testimony in support of the proposed amendment to HB 1073, which provides for the NDDoH to conduct Bureau of Criminal Investigation (BCI)/Federal Bureau of Investigation (FBI) criminal background checks for individuals on the nurse aide registry and emergency medical services (EMS) registry.

Under North Dakota Administrative Code § 33-43-01-22-(1)(b), the NDDoH is authorized to deny, suspend, revoke or encumber the registration status of an individual who has been "convicted of a crime substantially related to the qualifications, functions, or duties of a nurse aide." As such, it is the department's responsibility to do our part to protect the vulnerable populations these nurse aides serve. In order to do this, the NDDoH needs access to an individual's criminal background. Currently, we only have access to the public court records and do not have access to the federal criminal records.

To provide an example, in October 2020, we had a situation with an individual applying for nurse aide registration. She had prior multiple drug felonies and felony charges related to theft of property, endangerment of child or vulnerable adult, and failure to appear after release. These charges were older; however, she was still on probation. Because this seemed unusual, staff from our registry contacted the probation officer and found that she had a recent federal felony for distribution of methamphetamine. She was incarcerated and then placed on probation. We were not able to obtain any additional information related to these federal charges since the registry cannot conduct BCI/FBI background checks. The NDDoH nurse aide registry does not have all of the information needed to ensure the protection of our vulnerable population. An applicant could have federal felonies that the nurse aide registry does not know about. Again, our responsibility is to ensure protection for our vulnerable population, including

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1073

Page 1, line 13, overstrike "~~an application for registration,~~"

Page 1, line 14, overstrike "~~certification, or licensure~~"

Page 1, line 14, replace "~~under title 23~~" with "for applicants, registrants, or investigations under chapter 23-44, or for applicants, licensees or certificate holders, or investigations under section 23-27-04.3"

Page 2, line 2, replace "~~an applicant for registration, certification, or licensure~~" with "a final applicant for a job opening or a current employee with the department as designed by the state health officer"

Page 2, remove lines 4 through 7.

Page 2, line 8, overstrike "~~background record check.~~"

Page 2, after line 10, insert:

"**SECTION 3.** A new subsection to section 23-44-02 of the North Dakota Century Code is created and enacted as follows:

The department may require an applicant for registry status on the nurse aide registry or an individual on the nurse aide registry submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided in section 12-60-24. All costs associated with the criminal history record check are the responsibility of the applicant or registrant."

Page 2, line 10, replace "3" with "4"

Page 2, after line 20, insert:

"**SECTION 5.** Section 23-27-04.3 of the North Dakota Century Code is amended and reenacted as follows:

23-27-04.3. Emergency medical services personnel training, testing, certification, licensure, and quality review – Penalty.

The state health council shall adopt rules prescribing minimum training, testing, certification, licensure, and quality review standards for emergency medical services personnel, instructors, and training institutions. Rules adopted must include a definition of minimum applicable standards, a definition of emergency medical services personnel, provide for a mechanism for certifying or licensing persons who have met the required standards, provide a mechanism to review and improve the quality of care rendered by emergency medical services personnel, and define minimum standards for emergency medical services training institutions. Licensing as an emergency medical services training institution is optional. The department may require an applicant for a certificate or license, or the holder of a certificate or license, issued pursuant to this section to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided in section 12-60-24. All costs associated with the criminal history record check are the responsibility of the applicant or registrant. It is a class B misdemeanor for an individual to willfully misrepresent that individual's certification or licensing status as emergency medical services personnel. Quality review and improvement information, data, records, and proceedings are not subject to subpoena or discovery or introduction into evidence in any civil action.

ReNUMBER accordingly